

12/14/01

J1059 U.S. PTO

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12-18-01

A/Rc

PTO/SB/50 (02-01)

Approved for use through 01/31/2004. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REISSUE PATENT APPLICATION TRANSMITTAL

Address to: Assistant Commissioner for Patents Box Reissue Washington, DC 20231	Attorney Docket No.	UNIVP111USA
	First Named Inventor	Joseph A. Izatt
	Original Patent Number	6,002,480
	Original Patent Issue Date (Month/Day/Year)	12/14/99
	Express Mail Label No.	EV040725060US

APPLICATION FOR REISSUE OF:

(Check applicable box)



Utility Patent



Design Patent



Plant Patent

APPLICATION ELEMENTS (37 CFR 1.173)	ACCOMPANYING APPLICATION PARTS
1. <input checked="" type="checkbox"/> Fee Transmittal Form (PTO/SB/56) (Submit an original, and a duplicate for fee processing)	10. <input checked="" type="checkbox"/> Statement of status and support for all changes to the claims. See 37 CFR 1.173 (c).
2. <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.	11. <input type="checkbox"/> Original U.S. Patent for surrender
3. <input checked="" type="checkbox"/> Specification and Claims in double column copy of patent format (amended, if appropriate)	<input type="checkbox"/> Ribbioned Original Patent Grant
4. <input checked="" type="checkbox"/> Drawing(s) (proposed amendments, if appropriate)	<input type="checkbox"/> Statement of Loss (PTO/SB/55)
5. <input checked="" type="checkbox"/> Reissue Oath/Declaration (original or copy) (37 C.F.R. § 1.175) (PTO/SB/51 or 52)	12. <input type="checkbox"/> Foreign Priority Claim (35 U.S.C. 119) (if applicable)
6. <input checked="" type="checkbox"/> Power of Attorney	13. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations
7. Original U.S. Patent currently assigned? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If Yes, check applicable box(es))	14. <input type="checkbox"/> English Translation of Reissue Oath/Declaration (if applicable)
<input type="checkbox"/> Written Consent of all Assignees (PTO/SB/53)	15. <input checked="" type="checkbox"/> Preliminary Amendment
<input type="checkbox"/> 37 C.F.R. § 3.73(b) Statement (PTO/SB/96)	16. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
8. <input type="checkbox"/> CD-ROM or CD-R in duplicate, Computer Program (Appendix) or large table	17. Other: <u>Express Mail Certificate/</u>
9. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all of the following are necessary)	<u>Offer to Surrender/</u>
a. <input type="checkbox"/> Computer Readable Form (CFR)	<u>check</u>
b. Specification Sequence Listing on:	
i. <input type="checkbox"/> CD-ROM (2 copies) or CD-R (2 copies); or	
ii. <input type="checkbox"/> paper	
c. <input type="checkbox"/> Statements verifying identity of above copies	

18. CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label	or <input checked="" type="checkbox"/> Correspondence address below		
(Insert Customer No. or Attach bar code label here)			
Name	Warren A. Sklar		
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NAME (Print/Type)	Warren A. Sklar	Registration No. (Attorney/Agent)	26,373
Signature	<u>Wa Sklar</u>	Date	12-14-01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Reissue, Washington, DC 20231.

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REISSUE APPLICATION FEE TRANSMITTAL FORM						Docket Number (Optional) UN:IVP111USA			
Claims as Filed - Part 1									
Claims in Patent		Number Filed in Reissue Application		(3) Number Extra		Small Entity		Other than a Small Entity	
						Rate		Fee	
(A) 15	Total Claims (37 CFR 1.16(j))	(B) 61	**** 46 =	x \$ 9 =	414	or	x \$ =		
(C) 3	Independent claims (37 CFR 1.16(i))	(D) 7	* 4 =	x \$ 42 =	168		x \$ =		
Basic Fee (37 CFR 1.16(h))					\$370				
Total Filing Fee					\$952		OR		
Claims as Amended - Part 2									
(1) Claims Remaining After Amendment		(2) Highest Number Previously Paid For		(3) Extra Claims Present		Small Entity		Other than a Small Entity	
						Rate		Fee	
Total Claims (37 CFR 1.16(j))	***	MINUS	**	* =	x \$ =			x \$ =	
Independent Claims (37 CFR 1.16(i))	***	MINUS	*****	=	x \$ =			x \$ =	
Total Additional Fee					\$		OR		
<p>* If the entry in (D) is less than the entry in (C), Write "0" in column 3.</p> <p>** If the "Highest Number of Total Claims Previously Paid For" is less than 20, Write "20" in this space.</p> <p>*** After any cancellation of claims.</p> <p>**** If "A" is greater than 20, use (B - A); if "A" is 20 or less, use (B - 20).</p> <p>***** "Highest Number of Independent Claims Previously Paid For" or Number of Independent Claims in Patent (C).</p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____. A duplicate copy of this sheet is enclosed.</p> <p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 or 1.17 which may be required, or credit any overpayment to Deposit Account No. <u>18-0988</u>. A duplicate copy of this sheet is enclosed.</p> <p><input checked="" type="checkbox"/> A check in the amount of \$ <u>952.00</u> to cover the filing / additional fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>									
12-14-01					Date				
					Signature of Applicant, Attorney or Agent of Record				
					Warren A. Sklar				
					Typed or printed name				

10/020041
12/14/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re reissue application for U.S. Patent No. 6,002,480 of:

Applicant: Izatt, Joseph A., et al

Examiner:

Serial No.:

Art Unit:

Filing Date: Filed Herewith

Reissue patent application for U.S. Patent No. 6,002,480, issued December 14, 1999.

Title: DEPTH-RESOLVED SPECTROSCOPIC OPTICAL COHERENCE TOMOGRAPHY

**Box Reissue
Assistant Commissioner for Patents
Washington, D.C. 20231**

**STATEMENT OF STATUS AND SUPPORT FOR ALL CHANGES TO THE CLAIMS
UNDER 37 CFR §1.173(c)**

Sir:

The following statement of status and support for all changes to the claims is being submitted in connection with the above-identified reissue application filed concurrently herewith.

I. STATUS OF CLAIMS

A preliminary amendment is being filed concurrently herewith. Upon entry of the preliminary amendment and as of the date thereof, the status of the claims is as follows:

Claims 1-61 are pending. Claims 1-15 are found in the original patent, and claims 16-61 have been added by way of the aforementioned preliminary amendment.

II. SUPPORT FOR CLAIM CHANGES

The changes made to the claims, to date, consist of the addition of claims 16-61. Support for such claims is found in the specification and drawings. A number of examples of support for the independent claims are presented below. If additional description of support for the various claims is required, applicants would be glad to provide the same.

Claim 40 of the application is supported by claim 1 of the patent; the broader independent claim 40 excludes the recitation of claim 1 concerning "wherein the acquiring step includes the step of altering the distribution of scatterers within the sample with respect to the sample arm for substantially each acquisition". The steps of claim 40 may be carried out without the need for altering distribution of scatterers and is described, for example, at various places in the specification, including, but not limited to columns 8-15.

The subject matter of independent claim 16 and a number of the claims which depend from claim 16 is described, for example, in the patent specification at columns 8-15.

Cross-power spectrum of claim 50 is described, for example, beginning at column 17, line 26.

Spectral alterations (independent claim 52) is described with respect to Figs. 12a-12e, beginning at column 30. The use of dye

Should the Examiner feel that a telephone or personal interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to any outstanding Office Action (or if such a petition has been made and an additional

Reissue of U.S. Patent No. 6,002,480

extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

Wa ASK

Warren A. Sklar

Reg. No. 26,373

DATE: 12-14-01

The Keith Building
1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113

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RENNER, OTTO, HOISSELLE & STARR

Attorney Docket No. UNIVP111USA PATENT

**REISSUE APPLICATION OFFER TO SURRENDER PATENT
AND
STATEMENT UNDER 37 CFR §3.73(b)**

Name of Patentees:

Joseph A. IZATT
Mainish D. KULKARNI
Michael V. SIVAK

Patent Number: 6,002,480 Date Patent Issued: December 14, 1999

Title: DEPTH-RESOLVED SPECTROSCOPIC OPTICAL COHERENCE TOMOGRAPHY

This is part of the application for reissue patent based on the original patent identified above.

The applicants/patentees, who own the original patent, are identified below. The applicants/patentees offer to surrender the original patent.

Joseph A. Izatt

Manish D. Kulkarni

Michael V. Sivak

Joseph A. Izatt

Date: 12/14/01

Date: _____

Date: _____

HA113WASUNIVP111USAOfferSurrender.wpd

KENNER, OTTO, DOISELLE & SKLAR

Attorney Docket No. UNIVP111USA

PATENT

**REISSUE APPLICATION OFFER TO SURRENDER PATENT
AND
STATEMENT UNDER 37 CFR §3.73(b)**

Name of Patentees:

Joseph A. IZATT
Mainish D. KULKARNI
Michael V. SIVAK

Patent Number: 6,002,480

Date Patent Issued: December 14, 1999

Title: DEPTH-RESOLVED SPECTROSCOPIC OPTICAL COHERENCE TOMOGRAPHY

This is part of the application for reissue patent based on the original patent identified above.

The applicants/patentees, who own the original patent, are identified below. The applicants/patentees offer to surrender the original patent.

Joseph A. Izatt

Manish D. Kulkarni

Michael V. Sivak



Date:

Date: DEC. 14, 2001Date:

H:\11SWAS\UNIVP111USA\OfferSurrender.wpd

KENNER, OTTO, BOISSELLE & SKLAR

Attorney Docket No. UNIYP111USA

PATENT

REISSUE APPLICATION OFFER TO SURRENDER PATENT
AND
STATEMENT UNDER 37 CFR §3.73(h)

Name of Patentees:

Joseph A. IZATT
Manish D. KULKARNI
Michael V. SIVAK

Patent Number: 6,002,480

Date Patent Issued: December 14, 1999

Title: DEPTH-RESOLVED SPECTROSCOPIC OPTICAL COHERENCE TOMOGRAPHY

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The applicants/patentees, who own the original patent, are identified below. The applicants/patentees offer to surrender the original patent.

Joseph A. Izatt

Manish D. Kulkarni

Michael V. Sivak

Date:

Date:

Date: Dec. 14, 2001

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Attorney Docket No. UNIVP111USA

DEPTH-RESOLVED SPECTROSCOPIC OPTICAL COHERENCE TOMOGRAPHY

by
Joseph A. Izatt, Manish D. Kulkarni and
Michael V. Sivak

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that the attached U.S. Reissue Patent Application (along with any other paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on this date **December 14, 2001**, in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number **EV040725060US** addressed to the: Box Reissue, Assistant Commissioner for Patents, Washington, D.C. 20231.

David Friedman

Typed or Printed Name of Person Mailing Paper



(Signature of Person Mailing Paper)